

CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 96

Citations Affected: IC 7.1-3-22-3.

Synopsis: Alcoholic beverage retailer permits and annexations. Provides that in the case of a municipal annexation, the alcoholic beverage commission may only reclassify a retailer's permit in the former unincorporated territory as a permit inside the municipality if the permittee has actually conducted a retail business at the site for two consecutive years. Specifies treatment of permits that are applied for after notice of an annexation hearing is made and before the annexation occurs. (This conference committee report removes provisions that: change the name of the alcoholic beverage commission to the alcohol and tobacco commission; provide for resolving a tie vote of the commission; establish experience requirements for the superintendent of law enforcement officers; allow a permittee to give notice of an application by placing a sign on the affected property in some circumstances; allow the commission to accept payment by credit card, money order, or electronic transfer; allow an Internet company to obtain a salesman's permit; prohibit the issuance of an employee's permit to certain persons convicted of operating while intoxicated; allow express hotels to sell alcoholic beverages; allow hotels to set different prices for alcoholic beverages served in different restaurants in the same hotel complex; revise the fee schedule for permits; increase criminal penalties; impose interest, a late payment penalty, and the reasonable costs of collection on a person who fails to make a timely payment of an infraction payable to the youth tobacco education and enforcement fund; make it a Class C infraction for a person to purchase tobacco for a minor; allow certain tobacco notices to have alternative language approved by the commission; allow the alcohol and tobacco commission to provide alternative words for notices that are required to be posted on vending machines that sell tobacco; make changes regarding the advertisement of tobacco products on signs or billboards; allow a facility that operates a track that is used primarily in the sport of auto racing to allow a person to enter its establishment with alcoholic beverages; allow a person at least 19 years of age but less than 21 years of age who has completed a server training program to serve alcoholic beverages in a dining area or family room of a restaurant or hotel; add beer wholesalers to those persons required to pay the excise tax on hard cider; allow a premises to be located within 200 feet of a church if the commission determines that the church does not object and provide that the commission's determination applies to renewal of the permit; require the alcoholic beverage commission to report to the legislative council a recommendation to improve

the quota allocations of permits; and make other changes.)

Effective: Upon passage.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 96 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete the title and insert the following:
 - 2 A BILL FOR AN ACT to amend the Indiana Code concerning
 - 3 alcoholic beverages.
 - 4 Page 1, delete lines 1 through 17.
 - 5 Delete pages 2 through 27.
 - 6 Page 28, delete lines 1 through 29.
 - 7 Page 29, line 7, after "occurs." insert "**However, the following apply**
 - 8 **when a person applies for a retailer's permit after notice of an**
 - 9 **annexation hearing is made under IC 36-4-3-2.1 and before the**
 - 10 **annexation occurs:**
 - 11 (1) **The commission may grant the permit.**
 - 12 (2) **The commission may not reclassify the permit as a permit**
 - 13 **for a premises in an incorporated city or town.**
 - 14 (3) **The permit may be transferred to another person .**
 - 15 (4) **The permit may not be transferred to another location."**
 - 16 Page 29, delete lines 8 through 42.
 - 17 Delete pages 30 through 47.
 - 18 Page 48, delete lines 1 through 24.
 - 19 Renumber all SECTIONS consecutively.
- (Reference is to ESB 96 as reprinted April 12, 2001.)

Conference Committee Report
on
Engrossed Senate Bill 96

Signed by:

Senator Alting
Chairperson

Representative Kuzman

Senator Rogers

Representative Alderman

Senate Conferees

House Conferees